

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**LINDSAY O'BRIEN QUARRIE,**

**Plaintiff,**

**v.**

**No. 13-cv-0349 MV/SMV**

**NEW MEXICO INST. OF MINING & TECH., et al.,**

**Defendants.**

**ORDER GRANTING DEFENDANTS' MOTION TO STAY  
AND DENYING PLAINTIFF'S MOTION TO COMPEL**


THIS MATTER is before the Court on Defendants' Motion to Stay Proceedings [Doc. 78] ("Motion to Stay"), filed on December 19, 2013, and Plaintiff's Motion to Compel Production, filed on January 13, 2014 [Doc. 87] ("Motion to Compel"). Plaintiff filed his Response to the Motion to Stay [Doc. 80] on December 19, 2013. Defendants filed their Response to the Motion to Compel [Doc. 88] on January 27, 2014. Oral argument was held on the Motion to Stay on January 31, 2014. [Doc. 90]. The Court, having considered the briefing, arguments, and law, and being fully advised in the premises, finds that Defendants' Motion to Stay should be **GRANTED**. Because the Court will Grant Defendants' Motion to Stay, the Court **DENIES** Plaintiff's Motion to Compel Production without prejudice.

Defendants filed their Motion to Stay contemporaneously with their Motion for Summary Judgment on the Grounds of Qualified Immunity [Doc. 77] ("MSJ"). The Court finds that Defendants are entitled to a stay pending final resolution of the MSJ by the presiding judge. *See Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Defendants' Motion to Stay Proceedings [Doc. 78] is hereby **GRANTED**. Proceedings in this case are **STAYED** pending ruling by the presiding judge on Defendants' Motion for Summary Judgment on the Grounds of Qualified Immunity [Doc. 77].

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Compel Production [Doc. 87] is **DENIED** without prejudice.

**IT IS SO ORDERED.**



---

**STEPHAN M. VIDMAR**  
United States Magistrate Judge